a *duty* to pay damages, which he himself ought to prevent, or to create the correlative *right* in himself.

TORTS—NEGLIGENCE—LIABILITY OF FATHER FOR INJURY CAUSED BY HIS AUTOMOBILE DRIVEN BY SON.—The defendant's minor son, accompanied by a young lady friend, negligently drove his father's automobile into the plaintiff's. The defendant had purchased the car for the pleasure of his family, and had given his son general permission to use it. *Held,* that the defendant was not liable. *Pratt v. Cloutier* (1920, Me.) 110 Atl. 353.

There is a square conflict of authority on this question. For the opposing view, see *Johnson v. Smith* (1919, Minn.) 173 N. W. 675. See also (1920) 29 YALE LAW JOURNAL, 467; (1920) 20 COL. L. REV. 213.

TORTS—NEGLIGENCE—LIABILITY OF EMPLOYER FOR FAILURE TO PROVIDE PROPER TOOLS.—The plaintiff, a section foreman, was injured by the derailment of a new standard-make handcar on account of the improper adjustment of its cogwheels. The car was purchased by the defendants from a reputable manufacturer and had been delivered adjusted. An ordinary inspection of it would have discovered the defect. It was contended by the defendants that as the car in question was of standard make and purchased from a reputable manufacturer, they were under no duty to inspect it. The trial court instructed the jury that the defendants were under a duty to inspect. A verdict and judgment for the plaintiff was affirmed by the appellate court. *Held,* that the instruction to the jury was correct. *St. Louis Southwestern Ry. v. Ewing* (1920, Tex. Com. App.) 222 S. W. 198.

This decision seems to uphold the minority doctrine. See (1915) 24 YALE LAW JOURNAL, 348; 40 L. R. A. (N. S.) 1120, note.

TORTS—NEGLIGENCE—LAST CLEAR CHANCE.—A transfer truck in which the plaintiff was riding had been driven across the defendant's street-car tracks in a manner prohibited by a city ordinance, and was caught between two cars going in opposite directions at a speed violating another ordinance. The jury was instructed that although the plaintiff was negligent, if his negligence had ceased and the defendant, by the exercise of ordinary care, ought to have seen the danger in time, the defendant was responsible. The verdict was for the plaintiff. *Held,* that there was no error. *Atherton v. Topeka Ry.* (1920, Kan.) 190 Pac. 430.

See COMMENTS (1920) 29 YALE LAW JOURNAL, 542, 896.

TRUSTS—CHARITABLE USES—CY PRÈS—IMPRACTICABLE BEQUEST.—The testator bequeathed $50,000 to the defendant church upon trust for the erection of an orphanage building. After the making of the will, the cost of building increased so enormously as to render it undesirable, if not impracticable, to carry out literally the specific purpose indicated by the testator. *Held,* that the fund should be applied together with other funds of the church for the erection of such a building. *Christian v. Catholic Church of St. John the Baptist* (1920, N. J.) 110 Atl. 579.

The decision is in accord with the general rule, that where the inexpediency of following the directions of the donor is due to a change of circumstances occurring after his death, the doctrine of *cy près* is properly applied as a rule of construction. *Norris v. Loomis* (1913) 215 Mass. 344, 102 N. E. 419; *Avery v. Home for Orphans* (1910) 228 Pa. 58, 77 Atl. 241. For an excellent discussion on the subject see Sanger, *Remoteness and Charitable Gifts* (1919) 29 YALE LAW JOURNAL, 46; NOTES (1920) 33 HARV. L. REV. 598.